

CITY OF MINNEAPOLIS

DEPARTMENT OF CIVIL RIGHTS

CONTRACT COMPLIANCE DIVISION



NONMETROPOLITAN AREA AFFIRMATIVE ACTION PLAN

FOR ALL COMPANIES LOCATED OUTSIDE THE 7 COUNTY METRO-AREA

[Anoka-Hennepin-Ramsey-Washington-Carver-Scott-Dakota]

INSTRUCTIONS

The following pages are intended to be used as a template or a guidebook to develop a Non-Metro Area Affirmative Action Plan. It is important to keep a copy for business reference and documentation.

This document refers to the term “Contractor”, which means any entity (including sole proprietors) with a prospective contract with the City of Minneapolis. Under Minneapolis Code of Ordinances 139.50(d), the City of Minneapolis shall not close on any contract until a written Affirmative Action Plan from the recipient of assistance and any business with a prospective contract in excess of \$50,000 has been approved by the Director or the Director’s designee and until the department has conducted a pre-award compliance review.

The expectation is that businesses take affirmative steps to recruit and retain a diverse workforce. Specifically, to promote and assure equal employment opportunity through affirmative action is given to all persons, without regard to race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, age (forty (40) to seventy (70)), marital status, or status with regard to public assistance. A business may be asked to submit records documenting their recruitment and retention efforts and other personnel related matters. Plans submitted may be compared to previously submitted plans to ensure that the business is making continuous efforts to take affirmative action in their recruitment and hiring.

When the plan is completed, please submit for review and approval to the Contract Compliance Officer assigned to the contract:

Email: firstname.lastname@minneapolismn.gov

Mail: Minneapolis Department of Civil Rights
350 South 5th Street, Room 239
Minneapolis, MN 55415

Fax: (612) 673-2599

If the plan has been approved, the Minneapolis Department of Civil Rights will provide an approval letter authorizing business with the City of Minneapolis for three years.

The City of Minneapolis will accept Affirmative Action Plans (AAPs) that were approved by the City of St. Paul or the Minnesota Department of Human Rights. If you have such plan on file, please submit that plan and approval letter instead.

If you have questions, or need further technical assistance, call 612-673-3076.

NON-METRO AREA AFFIRMATIVE ACTION PLAN CHECKLIST

The purpose of this checklist is to achieve the aims of Section 139.50 of the Minneapolis Code of Ordinances, and the Rules and Regulations. Please use this checklist to ensure that you are submitting the correct plan and that you are completing a thorough and accurate plan. Plans that are not thoroughly and accurately completed will not be accepted. This checklist should also be used and submitted if developing and submitting your own plan.

REQUIRED ITEMS	YES/NO	N/A	NOTES/COMMENTS
Submitting the Correct Plan			
1. Is your contract over \$50,000? <small>[If not, you do not need to submit a plan]</small>			
2. Does your company currently have an approved plan with City of Minneapolis, Minnesota Department of Human Rights or the City of St. Paul?*			
<small>[If yes, contact the Contract Compliance Officer]</small>			
3. If this is an updated plan, please provide a narrative explaining your goals from last plan, accomplishments, and good faith efforts made to meet the goals.			
4. Is your company located outside the 7-County Metro Area? <small>[If no, please fill out a Modified or Full AAP]</small>			
5. Contractor Information is completely filled out, including EEO/AA Manager designation?			
EEO/AA Policy and Sexual Harassment Statements			
1. An agreement to abide by all relevant EEO/AA laws including Chapters 139.50 and 141 in the Minneapolis Civil Rights Ordinance			
A. All protected classes listed in 139.50 B. A statement that the company will not discriminate in all areas of employment			

<p>C. A statement that company will commit all resources to implement it's MAAP</p> <p>D. Statement that any employee not complying with policy will be subject to disciplinary actions and contractors not complying will be subject to legal sanctions.</p> <p>E. A high level administrator is named who will coordinate the implementation of its AAP</p> <p>F. The AAP is signed by the company's chairperson or Chief Executive Officer</p>			
2. Sexual Harassment Statement			
3. Complaint Reporting Procedure			
4. Acknowledge that workforce participation goals established for construction projects are 6% Female and 32% Minority			
Documentation of Compliance			
1. Contractor agrees to notify all subcontractors, vendors and suppliers, verbally and in writing of EE0/AA policies and AA project goals where supportive action is required to achieve the goals			
2. Signed and dated by Owner/CEO and AA/EE0 Manager			

CONTRACTOR INFORMATION

Company Name

Address

County

Telephone Number

Fax Number

CEO/Owner

Email Address

EEO/AA Manager

Telephone Number

Email Address

Nature of Business

Description of Contract

Contract Amount

NONMETROPOLITAN AFFIRMATIVE ACTION PLAN

EEO/AA POLICY STATEMENT

(Referred to as “Contractor”) is

Company Name

committed to providing Equal Employment Opportunity (EEO) to all employees and applicants for employment, in accordance with all applicable Equal Employment Opportunities/Affirmative Action (EEO/AA) laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically including Section 139.50 of the Minneapolis Civil Rights Ordinance and Rules and Regulations as set forth below. To accomplish this goal, Contractor agrees to the following:

- (1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, age (forty (40) to seventy (70)), marital status, or status with regard to public assistance. The Contractor will take affirmative action to ensure that all employment practices are free of such discrimination. Such employment practices include but are not limited to the following: Hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Minneapolis Department of Civil Rights (“MDCR”) setting forth the provisions of this nondiscrimination clause.
- (2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor; state that it is an equal opportunity or affirmative action employer.
- (3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the MDCR, advising the labor union or workers’ representative of the Contractors’ commitments under section 139.50 of the Minneapolis Code of Ordinances, and shall post copies of the notice in conspicuous places available to employees and applicants for employment
- (4) The Contractor will comply with all provisions of Title 7 of the Minneapolis Code of Ordinances, and with all rules and regulations issued by the Director of the MDCR (“Director”) or the Minneapolis Commission on Civil Rights.
- (5) The Contractor will furnish and cause each of its subcontractors to furnish all information and reports by section 139.50 of the Minneapolis Code of Ordinances, and by the rules and regulations of the Director or of the Commission, and will permit access to its books, records and accounts by the director, the Director’s agent, or the Commission, for purposes of investigation to ascertain compliance with the rules, regulations and provisions of Title 7.
- (6) The Contractor shall take affirmative action to afford business enterprises owned and controlled by women and minorities and certified by the MDCR, or the MDCR’s agent, the maximum feasible opportunity to participate in the performance of this contract and resulting subcontracts. As used in this contract, the term “business enterprise owned and controlled by women and minorities” means a business, at least fifty-one (51) percent of which is owned and controlled by minority group members or women. For the purposes of this definition, “minority group members” are Black, Hispanic, Asian-Americans, and American Indians and Alaskan natives.

This provision is not intended to limit in any manner the right of a Contractor to enter into a contract with a subcontractor whose status as a business enterprise owned and controlled by women and minorities has not been determined by MDCR.

- (7) **In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or provisions of Title 7, this contract may be cancelled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible by the Minneapolis City Council for further City contracts in addition to other remedies as provided in Title 7.** In addition, the Contractor shall be liable for any costs or expenses incurred by the City of Minneapolis in obtaining the goods or properties to be furnished or delivered to the City under this contract and for administrative costs incurred in seeking compliance. The City shall have the right to specific performance of this contract. **Further, in the event there is probable cause to believe the Contractor is in noncompliance with the nondiscrimination clauses of this contract or with any applicable rules or regulations, the City shall withhold up to fifteen (15) percent of said contract amount** until such time as the Contractor is found to be in compliance or in the event that withholding a portion of the contract amount is not a feasible alternative, then liquidated damages of five hundred dollars (\$500.00) per day for each day that the Director shall determine that there is probable cause to believe that the Contractor is in noncompliance with this section shall be imposed, or is otherwise adjudicated to be in compliance.

(b) ***Noncompliance.*** When the Director or the Director's designee shall have probable cause to believe that the Contractor is not in compliance with any provision of subsection (a) paragraphs (1) through (7) or with the implementing rules, regulations, provisions, or plans thereto, the Director or the Director's designee shall notify the City department administering said contract and shall engage the Contractor and the administering department in conciliation and persuasion to try to eliminate the acts or practices giving rise to such belief.

SEXUAL HARASSMENT IN THE WORKPLACE POLICY STATEMENT

It is the policy that sexual harassment of our employees and applicants for employment is forbidden.

Sexual harassment for the purposes of this policy is defined as follows:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of sexual nature when:

- (1) Submission to the conduct, or communication, is made a term or condition, either explicitly or implicitly, of obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;
- (2) Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual in obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a

- lending institution, public accommodations, public services, or the services of an educational institution, or;
- (3) That conduct or communication has the purpose or effect of substantially interfering with an individual in regard to, or creating an intimidating, hostile or offensive environment in regard to the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution.

Sexual harassment is a violation of our Company's Equal Employment/Affirmative Action Policy, the Minneapolis Civil Rights Ordinance, the Minnesota Human Rights Act, Title VII of the Civil Rights Act of 1964, and may further result in liability to our Company and individual employees.

COMPLAINT REPORTING PROCEDURE

Any employee who believes that he or she has been subject to harassment or discrimination covered under this plan should report the incident immediately to any supervisor, manager, or Human Resources representative.

Any supervisor or manager who receives such notice or who otherwise becomes aware of alleged harassment or discrimination will notify the appropriate Human Resources representative who then will conduct a prompt and confidential investigation.

Complaint determinations will be made on a case-by-case basis, depending on the circumstances, including the nature of any sexual advances, the context in which they occurred, and any other facts deemed relevant to the determination.

Any notes, reports or records generated and all information gathered during the investigation will be treated as confidential with disclosure limited to those with a need to know.

It is the responsibility of our Company to uphold the law in preventing and correcting sexual harassment and discrimination in our workplace. This will be done in a manner that ensures the protection of the rights of all employees.

This policy is not intended to prohibit purely consensual romantic relationships between employees outside of the workplace. Consensual romantic relationships, although not prohibited, are discouraged from being acted out in the workplace, particularly where a supervisor/subordinate relationship exists. Such actions may be construed as favoritism towards employees in that relationship and hence may fit the definition of unlawful sexual harassment.

CITY GOALS ON CONSTRUCTION PROJECTS

The following project goals have been set for all City of Minneapolis-assisted construction projects receiving an excess of \$50,000 or more of City funds:

Of the total project hours, **6%** are expected to be **female** labor hours; and

Of the total project hours, **32%** are expected to be **minority** labor hours.

DOCUMENTATION OF COMPLIANCE

The Contractor will include the provisions of Chapter 139.50 subsection (a) paragraphs (1) through (7) in every subcontract or purchase order, specifically or by reference, unless exempted by rules, regulations, or orders of the Director or the Commission, issued pursuant to Chapter 141 of Title 7, so that such provisions will be binding upon each subcontractor or vendor.

Contractor agrees to maintain and implement an approved Modified Affirmative Action Plan during the next three years, and to comply with Chapter 139.50 of the Minneapolis Code of Ordinances and Rules and Regulations.

Contractor agrees to keep records of all personnel actions such as hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training and actions taken to affirmatively recruit and hire women, minorities and people with disabilities as stated in Minneapolis Code of Ordinances Chapter 139.50.

During the next three years Contractor agrees to provide, as requested by MDCR proof of compliance with Section 139.50 and its implementing rules and regulations, including documentation of Contractor's efforts to recruit and retain a diverse workforce.

Company Name

Signature of Owner / Chief Executive Officer

Date

Signature of AA/EEO Manager

Date